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Application No.: 10/804,381

Inventor(s): Scott Edward Osborne et al.

Filed: March 19, 2004

Docket No.: 7892C

Confirmation No.: 7273

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- 1) Response to Notice of Non-Compliant Appeal Brief (3 pages)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/804,381
Inventor(s) : Scott Edward Osborne et al.
Filed : March 19, 2004
Art Unit : 1615
Examiner : Lakshmi Sarada Channavajjala
Docket No. : 7892C
Confirmation No. : 7237
Customer No. : 27752
Title : COMPOSITIONS FOR EFFICIENT RELEASE OF
ACTIVE INGREDIENTS

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Non-Compliant Appeal Brief dated June 25, 2007 and in accordance with MPEP §1205.03 and 37 C.F.R. §41.37(c)(1)(iv), please replace the section of the Appeal Brief dated May 16, 2007 entitled "SUMMARY OF CLAIMED SUBJECT MATTER" with the amended "SUMMARY OF CLAIMED SUBJECT MATTER" as follows:

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 relates to a release composition (see page 5, line 13) comprising:

- (1) from about 10⁻⁴% to about 20%, by weight of the release composition, of at least one skin care active (see page 6, line 27; page 8, lines 28-30), said skin care active comprising chitosan (see page 8, line 6);
- (2) from about 0.1% to about 60 %, by weight of the release composition, of a release agent (see page 9, line 1; page 13, lines 13-15); and
- (3) from about 0.1% to about 95 %, by weight of the release composition, of a barrier protectant (see page 13, line 18), said barrier protectant being a paraffin wax having about 16 to 50 carbon atoms (see page 14,

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lines 6-7);

wherein the release composition is semi-solid or solid at 20°C and at least partially transferable to a target skin surface (see page 25, line 33 to page 26, line 5).

Claim 14 relates to an article (see page 21, line 23 to page 23, line 30), comprising:

- a. a dispensing means (see page 21, line 10); and
- b. a release composition (see page 5, line 13) applied to at least a portion of the dispensing means, the release composition comprising:
 - (1) from about 10⁻⁴% to about 20%, by weight of the release composition, of at least one skin care active (see page 6, line 27; page 8, lines 28-30), said skin care active comprising chitosan (see page 8, line 6);
 - (2) from about 0.1% to about 60 %, by weight of the release composition, of a release agent (see page 9, line 1; page 13, lines 13-15); and
 - (3) from about 0.1% to about 95 %, by weight of the release composition, of a barrier protectant (see page 13, line 18), said barrier protectant being a paraffin wax having about 16 to 50 carbon atoms (see page 14, lines 6-7);

wherein the release composition is semi-solid or solid at 20°C and at least partially transferable to a wearer's skin (see page 25, line 33 to page 26, line 5).

Claim 17 relates to a method for effectively delivering one or more skin care actives to skin, comprising:

- (a) applying to the skin an article comprising a dispensing means and a release composition disposed on at least a portion of the dispensing means (see page 21, lines 10-22);
- (b) transferring at least a portion of the release composition to the skin (see page 21, line 13);
- (c) exposing the release composition to moisture ; and

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(d) releasing one or more skin care active ingredients from the release composition;
wherein the release composition is semi-solid or solid at 20°C (see page 25, line 33 to page 26, line 5) and comprises:

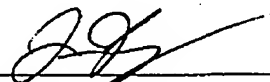
- (1) from about 10⁻⁴% to about 20%, by weight of the release composition, of at least one skin care active (see page 6, line 27; page 8, lines 28-30), said skin care active comprising chitosan (see page 8, line 6);
- (2) from about 0.1% to about 60 %, by weight of the release composition, of a release agent (see page 9, line 1; page 13, lines 13-15); and
- (3) from about 0.1% to about 95 %, by weight of the release composition, of a barrier protectant (see page 13, line 18), said barrier protectant being a paraffin wax having about 16 to 50 carbon atoms (see page 14, lines 6-7).

In view of the above amended "SUMMARY OF CLAIMED SUBJECT MATTER", it is respectfully submitted that the Appeal Brief dated May 16, 2007 complies with the requirements of 37 C.F.R. §41.37(c)(1)(iv).

Respectfully submitted,

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Date: July 25, 2007
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